



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/719,016 | 11/24/2003 | Mike Mouser | 4590-062A | 9161 |

22429 7590 11/26/2004

LOWE HAUPTMAN GILMAN AND BERNER, LLP
1700 DIAGONAL ROAD
SUITE 300 /310
ALEXANDRIA, VA 22314

EXAMINER

NGUYEN, CUONG H

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3661

DATE MAILED: 11/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/719,016

Applicant(s)

MOUSER ET AL.

Examiner

CUONG H. NGUYEN

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/24/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is the answer to the communication received on 11/24/2003.
2. Claims 1-16 are pending in this application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office Action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1, 7-8, 10, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeLorme et al. (US Pat. 6,321,158), in view of DeLorme et al. (US Pat. 5,948,040).**

DeLorme et al.'158 teach a method and an apparatus of transmitting information (i.e., a vehicle location/POI/coordinates) to another location remote, comprising:

- sensing a vehicle location with a Global Positioning System (GPS) unit (see DeLorme et al.'158, the abstract);
- performing a search/(map matching) of a sensed vehicle location with respect to stored database (see DeLorme et al.'158, 30:29-33) by performing iterations with a statistical filter provided with the sensed vehicle location from the GPS unit and estimated probable locations relative to the map database coordinates;

- DeLorme et al.'158 do not disclose about filtering stored map via iterations to obtain a location.
- However, it has been obvious with one of ordinary skill in the art to combine DeLorme et al.'158 with DeLorme et al.'040 to obtain a match through filtering iterations (see DeLorme et al.'040 59:1-10) (similarly to do searching for a word via filtering "not hit" term) because filtering technique by iteration gives a quick and accurate solution is searching.
- DeLorme et al.'158 also equate matched position coordinates to a database (see DeLorme et al., '158 10:36-39 - please note that a claimed LOCUS point being the position relative to a geographic location); and
- DeLorme et al.'158 also transmitting coordinates/POI to another location remote from the vehicle location (see DeLorme et al.'158, 41:52-56).

4. Claims 2, 11, 16, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeLorme et al. (US Pat. 6,321,158), in view of DeLorme et al. (US Pat. 5,948,040).

DeLorme et al. also teach a transmitter may comprise a cellular telephone for wireless communications (see DeLorme et al.'158 "the PDA-related IRMIS, as implied above, involves the communication between a PDA and a desktop computer that has the storage and processing capability to provide a large array of digital maps with user-defined travel routes. Such communication is generally through hardwiring; however, it may be wireless as well. "

5. Claims 3-5, 12-13 are rejected under 35 U.S.C. 103(a) as

**being unpatentable over DeLorme et al. (US Pat. 6,321,158),
in view of DeLorme et al. (US Pat. 5,948,040).**

DeLorme et al. also teach an on-board storage unit comprises a CD-ROM (see DeLorme et al.'158, "Particularly for the preferred embodiments of the present invention distributed on read only CD-ROMs, a Replace function facilitates or enhances usage as a digital travel album and the flexible manipulation of multimedia, as well as updating of the GIS database. The Replace function stores and manages added or updated information on the hard drive or other equivalent memory devices. By routine means for coordinating various databases or memory devices, taking into account the geographic coordinates or other prominent information attributes such as the time and date of data input, the Replace function further overwrites or amends fixed information on the CD-ROM with added, updated or corrected data, or deletions thereof, including cartography, text, audio or pictures. This facilitates for example correction of highway data reflecting new road construction, other updating and amendments of mapping, multimedia and routing data, addition of personalized annotations or images in the manner of a diary or photo album as well as the selective editing and recomposing of the multimedia substance and forms for presentations and attachments. In summary, the Replace function offers the advantages of cheap massive permanent CD-ROM storage in conjunction with the flexibility and modifiability of read/write storage devices such as hard drives and flash memory.

According to the present IRMIS invention, the CD-ROM data-updating or Replace functions are further supplemented and improved upon by automated data coordination between the desktop or central dispatch IRMIS home-base platform and the datasets or information transferred into and/or recorded on one or more portable IRMIS PDA or PDA/GPS devices").

**6. Claim 6 is rejected under 35 U.S.C. 103(a) as being
unpatentable over DeLorme et al. (US Pat. 6,321,158), in
view of DeLorme et al. (US Pat. 5,948,040).**

DeLorme et al. also teach of using a map matching with a Central Processing Unit (CPU) (see DeLorme et al.'158, Fig. 1A).

**7. Claims 9, 15 are rejected under 35 U.S.C. 103(a) as
being unpatentable over DeLorme et al. (US Pat. 6,321,158),
in view of DeLorme et al. (US Pat. 5,948,040).**

DeLorme et al. obviously suggest of using a unit to display matched positions of a vehicle relative to the map database (please note that DeLorme et al.'s PDA having display unit).

Application Number 10/719,016

Art Unit: 3661

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG H. NGUYEN whose telephone number is 703-305-4553.

The examiner can normally be reached on 7am - 3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THOMAS G. BLACK can be reached on 703-305-8233. The fax phone number for the organization where this application is assigned is 703-305-7687.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Cuong H. Nguyen

CAN
CUONG H. NGUYEN, Primary
Examiner, Art Unit 3661